

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CLIFFORD J. GRAF,	:	
	:	
Plaintiff,	:	Civ. No. 14-2613 (RBK) (AMD)
	:	
v.	:	MEMORANDUM AND ORDER
	:	
GARY M. LANIGAN, et al.,	:	
	:	
Defendants.	:	
	:	

Plaintiff is a state prisoner currently incarcerated at the South Woods State Prison in Bridgeton, New Jersey. He is proceeding *pro se* with a civil rights complaint filed pursuant to 42 U.S.C. § 1983. Plaintiff's application to proceed *in forma pauperis* will be granted based on the information provided and the Clerk will be ordered to file the complaint.

Upon screening the complaint pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A, the Court has determined that the complaint shall be permitted to proceed.

Accordingly, IT IS on this 5th day of February, 2015,

ORDERED that plaintiff's application to proceed *in forma pauperis* is granted and the Clerk shall file the complaint without prepayment of the filing fee; and it is further

ORDERED that pursuant to 28 U.S.C. § 1915(b), the Clerk shall serve a copy of this Order by regular mail on the Attorney General for the State of New Jersey and on the warden for the South Woods State Prison in Bridgeton, New Jersey; and it is further

ORDERED that plaintiff is assessed a filing fee of \$350.00 which shall be deducted from his prison account pursuant to 28 U.S.C. § 1915(b)(2) in the manner set forth below, regardless of the outcome of the litigation; and it is further

ORDERED that pursuant to 28 U.S.C. § 1915(b)(1)(A), plaintiff is assessed an initial partial filing fee equal to 20 % of the average monthly deposits to plaintiff's prison account for the six-month period immediately preceding the filing of the complaint, when funds exist, the New Jersey Department of Corrections shall deduct said initial fee from plaintiff's prison account and forward it to the Clerk; and it is further

ORDERED that pursuant to 28 U.S.C. § 1915(b)(2), until the \$350.00 filing fee is paid, each subsequent month that the amount in plaintiff Graf's prison account exceeds \$10.00, the New Jersey Department of Corrections shall assess, deduct from plaintiff's account, and forward to the Clerk payments equal to 20 % of the preceding month's income credited to plaintiff's prison account, which each payment referencing the docket number of this action; and it is further

ORDERED that the complaint shall be permitted to proceed against defendants Gary M. Lanigan and Robert Buechele; and it is further

ORDERED that pursuant to 28 U.S.C. § 1915(d), the Clerk shall issue a summons and the U.S. Marshal shall serve the summons and copies of the complaint and this Opinion and Order upon defendants Lanigan and Buechele, with all costs of service advanced by the United States; and it is further

ORDERED that pursuant to 42 U.S.C. § 1997e(g)(2) defendants Lanigan and Buechele shall file and serve a responsive pleading within the time specified by FED. R. CIV. P. 12; and it is further

ORDERED that the Clerk shall serve this Memorandum and Order on plaintiff by regular U.S. mail.

s/Robert B. Kugler
ROBERT B. KUGLER
United States District Judge